

REQUEST FOR LEGAL SERVICES & BOND COUNSEL SERVICES PROPOSALS

The Town of Amherst is seeking proposals for legal and bond counsel services from firms with experience in financing and constructing municipal public works projects.

A full copy of the request for proposals package is available on the Town's web site at www.amherstva.gov. Proposals are due in the Town Hall by March 6, 2012 at 5:00 PM.

Disadvantaged Business Enterprises (Small/MBE/WBE firms) are encouraged to submit proposals.

I. PURPOSE OF REQUEST

The Town of Amherst (Town) requests proposals for the provision of legal services and bond counsel services. The primary purpose of the services required is to support the 60 West Water Line Replacement Project.

Responsibilities include, but are not limited to:

- Providing legal advice on the appropriateness of easements, permits, procurement transactions, contracts and all other usual and customary items associated with a local government construction project financed with loan and grant funds.
- Providing legal and general financial advisory advice on all aspects of any proposed capital financing (such as the factors involved in revenue versus general obligation debt); reviewing and making appropriate recommendations, interfacing with grant/loan agency officials, drafting all resolutions, official statements, and other documents necessary for debt issuance (such as being responsible for soliciting, obtaining and furnishing parity letters as required by the funding agency) as well as other customary responsibilities of bond counsel.

II. ABOUT THE PROJECT

On February 8 the Town Council of the Town of Amherst agreed to accept the Virginia Department of Health's conditional offer to fund the Rt. 60 West Water Line Replacement Project with a \$607,000 loan (30 years at 3%), \$607,000 principal forgiveness (i.e. grant) package for a maximum \$1,214,000 project via the Virginia Drinking Water State Revolving Fund per a January 24, 2012 initial/conditional funding package offer.

The project involves the replacement of 6,800 LF of old 6" water distribution piping with new 12" water distribution piping from the traffic circle at S. Main Street along U.S. Route 60 West to E. Monitor Road (SR 689) then along E. Monitor Road to its intersection with Huff Creek Trail (SR 690).

It is understood that the project is expected to progress fairly quickly to the construction bid and financing phases upon approval of construction drawings which is expected to occur in May.

III. INSTRUCTIONS / GENERAL INFORMATION

- A. All questions should be submitted in writing (email will suffice) to: Jack Hobbs, Town of Amherst, P.O. Box 280; Amherst, VA 24521 (jack.hobbs@amherstva.gov).

- B. All proposals must be received by no later than 5:00 pm on March 6, 2012. All proposals should be sealed and clearly marked "RFP – Legal Services" and/or "RFP – Bond Counsel Services". Four (4) copies of the sealed proposal must be delivered to: Town of Amherst, 186 S. Main Street; P.O. Box 280; Amherst, VA 24521. All proposals must include the following information:
1. Firm Information and Qualifications
 2. Statement of Individual Qualifications
 3. Location of office and key individual that will be providing services
 4. At least three references
 5. A list of the Virginia public entities the firm currently serves
 6. The number and volume of debt issuance transactions completed by the firm during the period 2010-2012, including specifically municipal bonds and bonds through federally-sponsored financing programs.
- C. Proposals should be prepared simply and economically, providing a straight forward, concise description of provider capabilities to satisfy the requirements of the request. Special bindings, colored displays, promotional materials, etc. are not required or desired. Emphasis should be on completeness and clarity of content. Proposals should contain nonbinding pricing information. Lump-sum pricing for bond counsel services is requested.

IV. EVALUATION PROCESS

This is a procurement of professional services under the Virginia Public Procurement Act. Following the receipt of proposals, the Town shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence. At such individual discussions, the offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project. At the conclusion of the discussion stage, on the basis of the factors stated below, the Town shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed to be the most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the Town can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the Town determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror. The award will be made based on the following criteria:

1. Experience and qualifications of the firms submitting the proposals.
2. Experience and qualifications of the individuals who will actually be providing the services.
3. Understanding of the firm of the ability of Town to develop projects such as the one envisioned, including the authority to issue debt.
4. Cost of services.

Attachments:

- A. Funding Offer
- B. Timetable

Issued on 2/22/2012



COMMONWEALTH of VIRGINIA

DEPARTMENT OF HEALTH OFFICE OF DRINKING WATER

Karen Kenley, MD, MBA, FAAP
State Health Commissioner

J. Wesley Kline, PhD, PE
Director, Office of Drinking Water

January 24, 2012

Madison Building
109 Governor Street, 4th Floor
Richmond, VA 23219
Phone: 804-864-7500
Fax: 804-864-7521

Subject: Amherst County
Water - Town of Amherst
Rt. 60 West Waterline Replacement
WSL - 26-12

Mr. Jack Hobbs, Town Manager
Town of Amherst
P.O. Box 280
Amherst, VA 24521

Post-It® Fax Note	7871	Date	1-24-12	Page	2
To	Jack Hobbs	From	Stew Kelly		
Co./Dept.		Co.			
Phone #		Phone #	804-864-7489		
Fax #	434-946-2087	Fax #			

Re: 2012 Drinking Water Construction As
DWSRF Initial Offer

Dear Mr. Hobbs:

The Virginia Department of Health (VDH) has completed its preliminary analysis of your application for drinking water construction funds. The determination of the funding package is shown below; however, this determination and your inclusion in VDH's Intended Use Plan is contingent on the availability of federal and state funding as well as the conditions below.

Based on the information provided, VDH determined the total funding package for your project to be \$1,214,000. The funding package was determined using information provided in your loan application and at the initial meeting.

The funding package consists of a \$607,000 loan at 3.0% interest for a term of 30 years with \$607,000 as principal forgiveness.

The funding package and loan closing are conditioned on and are subject to change based on (but not limited to) the following:

- (1) The availability of federal/state funds to support the Virginia Drinking Water State Revolving Fund (DWSRF) Program,
- (2) New restrictions or conditions that the Environmental Protection Agency may require in the use of the SRF funds.

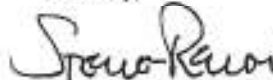
Mr. Jack Hobbs, Town Manager
January 24, 2012
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- (3) The approved Preliminary Engineering Report (PER) significantly changing the scope of the project as presented in your loan application,
- (4) Owner pursuing changes to an approved PER,
- (5) The financial estimates provided in your loan application changing,
- (6) Project readiness to proceed,
- (7) Owner's history of activities with the DWSRF Program,
- (8) Owner's progress to a timely closing according to a pre-negotiated construction schedule,
- (9) Owner obtaining user agreements from future water users in the project area,
- (10) Owner's ability to secure the loan,
- (11) Owner soliciting other lenders for parity on this new debt,
- (12) Owner following the DWSRF Program requirements, and
- (13) Waterworks maintaining compliance with the Virginia *Waterworks Regulations* and other applicable state/federal laws, regulations, policies, and procedures.

VDH reserves the right to by-pass any project that has not executed financial agreements or initiated construction within 12 months from the date of VDH's award letter. An acceptance of this funding offer reflects a commitment on your part to this requirement.

Please notify me in writing by February 10, 2012 at the address above of your acceptance of this initial funding package offer or any concerns and additional factors that should be considered. Failure to notify me can be deemed as your withdrawal from this program. I can be contacted at (804) 864-7489.

Sincerely,



Steven D. Pellei, P.E., Director
Division of Construction Assistance, Planning & Policy

cc: J. Wesley Kleene, Ph.D., P.E., Director, Office of Drinking Water
J. Dale Kitchen, P.E., Project Supervisor, Lexington Field Office
Region 2000 Local Government Council
Kerry Gateley, M.D., M.P.H., C.P.E., District Health Director
Mitch Childrey, P.E., ODW Field Director, Danville Field Office
H. Kent Ware, Rural Development

CONSTRUCTION PROJECT SCHEDULE Amherst – entire waterline
FOR VDH-OFFICE OF DRINKING WATER
FINANCIAL AND CONSTRUCTION ASSISTANCE PROGRAMS (FCAP)

Project Name: Town of Amherst -RT 60 West Waterline Replacement VDH Project Number: _____
 Prepared By: Tom Gray Wiley|Wilson Updated by Jack Hobbs on 2/9/2012 Date: _____ **1-26-2012** _____

ACTION		RESPONSIBLE PARTY	START DATE		COMPLETION DATE	
			PLANNED	ACTUAL	PLANNED	ACTUAL
Note: Responsible Party is the person or firm to whom the task is assigned.						
This schedule includes key steps required to bring a project to Loan Closing.						
Several steps can be performed concurrently to expedite the overall process.						
Examples are the Environmental Review and Waterworks Business Operations Plan.						
	FUNDING APPLICATION & PROJECT MANAGEMENT					
1.	Obtain Governing Body approval for project.	Town	Jan 2011		2-9-11	
2.	Prepare and submit "Application for Construction Funds" and "Construction Project Schedule".	Town	Feb 2011		3-28-11	
3.	Designate local contact person responsible for project management; i.e., Recipient's Project Manager.	Town	Feb 2011		3-28-11	
4.	Attend Initial Meeting with VDH-FCAP staff.	Town and Engineer	2/24/2012			2/24/2012
5.	If extended, accept VDH-FCAP initial offer of project funding terms.	Town	2/2/2012			2/2/2012
	ENGINEERING					
6a.	Prepare Request For Proposal (RFP) for engineering services.	Town	2/13/2012			
6b.	Advertise for proposals.	Town	2/17/2012			
6c.	Evaluate proposals and conduct negotiations.	Town	3/1/2012			
6d.	Award contract to top ranked offeror.	Town	3/14/2012			
6e.	Sign contract.	Town	3/15/2012			
6f.	Submit engineer procurement information to VDH-FCAP Project Officer for approval.	Town	3/16/2012			
7.	Submit "Permit Application – Notification of Intent" to VDH-ODW Field Office.	Town	Complete			
8.	Attend Preliminary Engineering Conference at VDH-ODW Field Office.	Town & Engineer	Complete			
9a.	Preliminary Engineering Report (PER) -Start Preparation.	Engineer	Complete			Complete
9b.	Submit PER to VDH-ODW Field Office for approval and forward a copy to VDH-FCAP Project Engineer.		Complete			
	(Comments or approval is normally given to applicant by VDH-ODW Field Office within 45 days of receipt. If the VDH-ODW Field Office returns comments, the Project Schedule may need to be adjusted.)					
9c.	VDH-ODW Field Office approval of PER	VDH-ODW FO	Complete			1-4-11
10a.	Prepare Plans and Specifications (P & S). To Finish out of town design	Engineer	Jan 2012			
10b.	Submit P & S to VDH-ODW Field Office for approval and To Finish out of town design forward a copy to VDH-FCAP Project Engineer.	Engineer	4/4/2012 per Wiley			
	(Comments or approval is normally given to applicant by VDH-ODW Field Office within 60 days of receipt. If the VDH-ODW Field Office returns comments, the Project Schedule may need to be adjusted.)	NOTE: Nov 2011 VDH approved design for in town part of	overall project			
10c.	VDH-ODW Field Office approval of P & S. - To Finish out of town design	VDH-ODW FO	May 16 2012		May 16 2012	

Approved By: Jack Hobbs
 Waterworks' Project Manager

Date _____

CONSTRUCTION PROJECT SCHEDULE
FOR VDH-OFFICE OF DRINKING WATER
FINANCIAL AND CONSTRUCTION ASSISTANCE PROGRAMS (FCAP)

Amherst – entire waterline

Project Name: Town of Amherst -RT 60 West Waterline Replacement
Prepared By: Tom Gray

VDH Project Number: _____
Date: _____ 1-26-2012 _____

	ACTION	RESPONSIBLE PARTY	START DATE		COMPLETION DATE	
			PLANNED	ACTUAL	PLANNED	ACTUAL
	ENVIRONMENTAL REVIEW					
	Section 7 of the "Procedural Guidelines (PG) for Virginia					
	Water Supply Revolving Fund Recipients" describes the					
	Required procedures. A Categorical Exclusion (CE) normally takes 60-					
	90 days and an Environmental Assessment (EA) normally takes					
	90-120 days. An Environmental Impact Statement (EIS) is not					
	included in the steps below as it is rarely required.					
11.	Review PG #7 and determine type of review applicable for project. Discuss basis with VDH-FCAP Project Engineer.	Town	Feb 2012		Feb 2012	
12a.	If a CE appears to be appropriate , forward a request for a	Town	Feb 2012		Feb 2012	
	CE to the VDH-FCAP Project Engineer. Include					
	required supporting documentation.					
12b.	Coordinate the VDH-FCAP Project Engineers' site visit.	Town	Feb 2012		Feb 2012	
12c.	VDH-FCAP Project Engineer sends comments.	VDH-FCAP	March 2012		March 2012	
12d.	Respond to the VDH-FCAP Project Engineer's comments.	Engineer	March 2012		March 2012	
12e.	If VDH-FCAP concurs with a CE, publish the Public	Town	April 2012		April 2012	
	Notice provided by VDH-FCAP and allow for a 30 day					
	comment period. Ensure a copy of the completed Public					
	Notice Verification Sheet is provided to VDH-FCAP					
	Project Engineer. Perform procedures in accordance					
	with instructions provided by VDH-FCAP Project Supervisor.					
12f.	If there are no significant adverse comments, the VDH-	VDH-FCAP	May 2012		May 2012	
	FCAP Division Director issues letter stating					
	the environmental review requirement has been satisfied.					
13a.	If an EA is required, develop EA in accordance with PG #7.	XXXXXXXXXX				
13b.	Forward a written request transmittal to all appropriate review agencies,					
	and allow for a 30 day review and comment period.					
13c.	Coordinate the VDH-FCAP Project Engineer's site visit.					
13d.	Prepare EA after review agencies' written responses are received. EA					
	must satisfactorily resolve any review agency comments.					
13e.	Publish a Public Notice of public hearing at least 30 days					
	prior to the date of the public hearing in accordance with					
	PG #7. Ensure a copy of the completed Public Notice					
	Verification Sheet is provided to the VDH-FCAP Project Engineer. The					
	public hearing is held after the EA is completed.					
13f.	Provide two copies of the following information to VDH-FCAP Project					
	Engineer.					
	-Copies of the review request transmittal letters to the review agencies.					
	-Copies of review agency comments.					
	-Response(s), as necessary, to the review agency comments.					
	-A summary or record of the public hearing along with the					
	verification of public notice for the hearing (if not previously provided by					
	the newspaper).					
	-EA or Revised EA (as appropriate).					

Approved By: Jack Hobbs
Waterworks' Project Manager

Date _____

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January 7, 2011

CONSTRUCTION PROJECT SCHEDULE
FOR VDH-OFFICE OF DRINKING WATER
FINANCIAL AND CONSTRUCTION ASSISTANCE PROGRAMS (FCAP)

Amherst – entire waterline

Project Name: Town of Amherst -RT 60 West Waterline Replacement
Prepared By: Tom Gray

VDH Project Number: _____
Date: _____ 1-26-2012 _____

	ACTION	RESPONSIBLE PARTY	START DATE		COMPLETION DATE	
			PLANNED	ACTUAL	PLANNED	ACTUAL
13g.	If USDA-Rural Development is a funding participant on the project, also send two copies of all items in 13f to them.					
13h.	VDH-FCAP Project Engineer sends comments.	VDH-FCAP				
13i.	Respond to the VDH FCAP Project Engineer's comments.					
13j.	If all comments are satisfactorily addressed, the VDH- FCAP Project Supervisor forwards a copy of the Finding of No Significant Impact (FONSI) Public Notice, a Public Notice Verification Sheet, an example transmittal letter, and instructions. Publish the Public Notice and allow for a 30-day comment period. Ensure a copy of the completed Public Notice Sheet is provided to the VDH-FCAP Project Engineer.					
13k.	If no significant adverse comments are received from the public, the VDH-FCAP Division Director issues clearance letter completing the environmental review.	VDH-FCAP				
	WATERWORKS BUSINESS OPERATIONS PLAN (WBOP)					
	<i>If required, coordinate process with the VDH-ODW Field Office.</i>	Assuming NA				
14a.	Prepare WBOP. Allow 120 days for preparation and approval.					
14b.	Submit WBOP to VDH-ODW Field Office for approval.					
14c.	Forward copy of WBOP to VDH-FCAP Project Officer.					
14d.	VDH-ODW Field Office approval of WBOP.	VDH –ODW FO				
	OTHER REQUIREMENTS					
15.	For Parity issues prepare and submit required information to VRA and other lenders <u>120 days</u> prior to closing. Keep the VDH-FCAP Project Engineer informed of your progress.	Town	March 2012		April 2012	
16.	Obtain ownership to any land needed for the construction of the project. Immediately inform the VDH-FCAP Project Engineer of any complications which will delay the project.	NA				
17.	Obtain easements for land needed for construction of the project. Immediately inform the VDH-FCAP Project Engineer of any complications which will delay the project.	NA				
18.	Obtain funding approval from other lender if project is being co-funded. Forward copy of funding approval or denial to the VDH-FCAP Division Director.	NA				
19a.	Submit draft Water Users Agreement to VDH-FCAP Project Officer for approval.	NA				
19b.	Submit a signed Water Users Agreement and Certification to VDH-FCAP Project Officer for approval. Forward a copy of Certification to Virginia Resources Authority (VRA).	NA				
20a.	Respond to VRA's request for information needed for their completion of the Credit Summary.	Town	April 2012		April 2012	
20b.	VRA completion of Credit Summary.	VRA	May 2012		May 2012	
21.	VDH State Health Commissioner authorizes final funding terms and issuance of loan commitment letters.	VDH	June 2012		June 2012	

Approved By: Jack Hobbs
Waterworks' Project Manager

Date _____

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January 7, 2011

CONSTRUCTION PROJECT SCHEDULE
FOR VDH-OFFICE OF DRINKING WATER
FINANCIAL AND CONSTRUCTION ASSISTANCE PROGRAMS (FCAP)

Amherst – entire waterline

Project Name: Town of Amherst -RT 60 West Waterline Replacement
Prepared By: Tom Gray

VDH Project Number: _____
Date: _____ 1-26-2012 _____

	ACTION	RESPONSIBLE PARTY	START DATE		COMPLETION DATE	
			PLANNED	ACTUAL	PLANNED	ACTUAL
22a.	VRA forwards Commitment Letter and initial draft of the Financing Agreement and Grant Agreement (if applicable).	VRA	June 2012		June 2012	
22b.	Execute and return Commitment Letter provided by VRA.	Town	June 2012		June 2012	
CONSTRUCTION BID						
23a.	Prepare draft Construction Bid documents to include required VDH contract inserts, and bid advertisement.	Engineer	April 2012		April 2012	
23b.	Submit draft Construction Bid documents and bid advertisement to VDH-FCAP Project Engineer for concurrence prior to bid advertisement.	Engineer	April 2012		April 2012	
23c.	VDH-FCAP approval of Bid documents.	VDH-FCAP	May 2012		May 2012	
23d.	Inform VDH-FCAP Project Officer and VRA of readiness to proceed with loan closing.	Town	May 2012		May 2012	
23e.	Advertise for bids - (close loan 6 weeks later).	Town & Engineer	May 2012		June 2012	
23f.	Tabulate bids.	Engineer	June 2012		June 2012	
23g.	Obtain MBE/WBE solicitation information from selected contractor prior to contract award.	Town & Engineer	June 2012		June 2012	
23h.	Forward bid tabulation and other required documents, to include MBE/WBE information, to VDH-FCAP Project Officer for procurement concurrence.	Engineer	June 2012		July 2012	
23i.	Inform VDH-FCAP Project Engineer of date and location of Preconstruction Conference at least two weeks prior to meeting.	Engineer	July 2012		July 2012	
LOAN CLOSING						
24.	Secure the services of a bond counsel to begin the loan closing process 90 days before the project is advertised for receipt of bids.	Town	Feb 2012		March 2012	
25.	Submit Project Budget to VDH-FCAP Project Officer at the initiation of the closing process.	Town & Engineer	June 2012		June 2012	
26.	Submit first Request for Disbursement to VDH-FCAP Project Officer two weeks prior to scheduled closing date.	Town	June 2012		June 2012	
27.	VDH approves loan closing.	VDH	July 2012		July 2012	
28.	Forward required closing documents to VRA.	Town & Bond Counsel	July 2012		July 2012	
29.	VRA approval of closing documents.	VRA	Aug 2012		Aug 2012	
30.	Closing Date - (6 weeks after bid advertisement).		Aug 2012		Aug 2012	
CONSTRUCTION						
Construction can begin prior to loan closing with prior approval of VDH-FCAP						
31.	Construction start date.		Aug 2012			
32.	Construction completion date.				March 2013	
					FY 12-13	

Approved By: _____ Jack Hobbs
Waterworks' Project Manager

Date _____

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